

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JASON ALAN SANDERS,

Plaintiff,

v.

**Civil Action 2:19-cv-2438
Judge George C. Smith
Magistrate Judge Chelsey M. Vascura**

SEARGANT SHRADER, *et al.*,

Defendants.

ORDER

Plaintiff's Application to Clerk for Entry of Default and Motion for Default Judgment against Defendant Dan Johnson are **DENIED** (ECF Nos. 25, 26). Defendant Johnson timely filed an Answer (ECF No. 21) and is therefore not in default.

Additionally, Plaintiff's Motion to Alter Judgment is **DENIED AS MOOT** (ECF No. 27). In that Motion, Plaintiff "seeks to have the Judgment to reflect that his claim for exercise is still pending as exemplified in Document 9." (*Id.*) On October 9, 2019, the Court entered a Nunc Pro Tunc Order stating that it "inadvertently entered judgment on Plaintiff's conditions-of-confinement claim against Defendants Schrader and Johnson relating to Plaintiff's alleged denial of recreation. Therefore, that portion of Doc. 17 is hereby vacated. The deadline for filing an answer remains pending." (ECF No. 19.) Accordingly, Plaintiff's exercise claim against Defendants Schrader and Johnson remains pending and Plaintiff's Motion is moot. The Clerk is **DIRECTED** to send a copy of ECF No. 19 to Plaintiff by regular mail.

IT IS SO ORDERED.

/s/ Chelsey M. Vascura
CHELSEY M. VASCURA
UNITED STATES MAGISTRATE JUDGE